

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CHIH-WEN CHUNG,  
an individual and a Taiwanese Citizen,

Plaintiff,

v.

LUMATEC INDUSTRIES, INC.,  
a corporation organized under the laws  
of Texas,

Defendant.

C.A. No. 04-1451 SLR

**SUPPLEMENTAL DECLARATION OF PETER ALTMAN**

1. My name is Peter Altman. I am the President Lumatec Industries, Inc. ("Lumatec"). I am over twenty-one years of age. I have personal knowledge of the facts contained in this Declaration. I make this Declaration in support of Lumatec's Renewed Motion to Dismiss or Transfer. I also make this Declaration to supplement and clarify Lumatec's Response to Plaintiff's First Set of Interrogatories.

2. Lumatec has done business in the past with the following customers in Delaware:

Stamford Screenprinting, Greenville, DE (last sale date January 6, 2005)

Vision Creations, Wilmington, DE (last sale date July 25, 2003)

Marketing Solutions, Middletown, DE (last sale date September 17, 2001)

Jordan Marketing, Inc., Wilmington, DE (last sale date April 27, 2001)

G&G Outfitters, Inc., Newark, DE (last sale date January 8, 2001)

Joseph W. Small Associates, Wilmington, DE (last sale date November 7, 2000)

Reminders, Newark, DE (last sale date September 10, 1999)

A Lasting Impression, Wilmington, DE (last sale date May 13, 1999)

Browseabout Shops, Inc., Rehoboth Beach, DE (first sale date April 1995)

University of Delaware Bookstore, Newark, DE (all sales in 2004)

Billie's By The Beach, Lewes, DE (all sales in the last quarter of 2004)

Everything But The Kitchen Sink, Hockessin, DE (all sales in 2004).

3. Lumatec's sales to Delaware totaled 0.04% of Lumatec's total sales in 1996, 0.13% of Lumatec's total sales in 1997, 0.12% of Lumatec's total sales in 1998, 0.2218% of Lumatec's total sales for 1999, 0.1417% of Lumatec's total sales in 2000, 0.3914% of Lumatec's total sales in 2001, 0.4725 of Lumatec's total sales for 2002, 0.2736% of Lumatec's total sales for 2003, and 0.26% of Lumatec's total sales for 2004.

4. Lumatec operates two Internet web sites. The first, [www.lumatec.com](http://www.lumatec.com), advertises Lumatec's products and allows consumers to purchase directly from that site. The "Octopus," the product that is the subject of this lawsuit, was never advertised or sold on that web site. Annual sales from that web site amount to less than 1% of Lumatec's overall annual sales.

5. The second web site is [www.logolights.com](http://www.logolights.com). This web site is targeted to retail outlets who may be interested in selling Lumatec products. This web site does not provide for online purchases. The Octopus was advertised on this web site from January through October, 1994.

6. Lumatec's web sites were not created in Delaware and are not hosted in Delaware.

7. Lumatec has a catalogue that is occasionally issued to retailers. Although Lumatec does not keep records of to whom it ships those catalogues, we believe that one or two copies may have been shipped to Delaware. The Octopus has never been advertised in our retail

catalogues.

8. In 2004 Lumatec also issued a one-time premium catalogue which advertised the Octopus. As far as we are aware, only one copy of that catalogue was sent to Delaware, and the Octopus was never ordered from Delaware.

8. I declare, under penalty of perjury of the laws of the United States, that the foregoing is true and correct to the best of my knowledge, information and belief. Executed in Austin, Texas on this 13th day of May, 2005.



Peter Altman